

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ROCCO CIOFOLETTI and LARRY  
STOSPAL, *et al.*, on behalf of themselves  
and all others similarly situated,

Case No: 18-cv-3025 (JNE/ECW)

Plaintiff,

v.

**ORDER**

SECURIAN FINANCIAL GROUP, INC.,  
*et al.*,

Defendants.

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This case is before the Court on the parties' Stipulation and [Proposed] Order to Amend Pretrial Scheduling Order (Dkt. 127). In view of Defendant Shurwest, LLC's anticipated motion to dismiss for lack of jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), the parties propose that Shurwest shall file its motions to dismiss and supporting documents within 30 days of the date of an Order approving the Stipulation, and that the briefing deadlines be governed by Local Rule 7.1 (*Id.* at 2.) The parties also seek an extension of the deadline for submission of a proposed amended scheduling order that would govern the case through trial until after the Court's determination of Shurwest's motions to dismiss because whether Shurwest remains a party to the case may have an impact on the extent to which the existing schedule should be altered. (*Id.*) Finally, they also ask that the Court suspend existing deadlines pending

submission of a proposed amended scheduling order.<sup>1</sup> (*Id.*) The Court finds good cause for the parties' proposed modification of the schedule. Accordingly, based on the files, records, and proceedings herein, **IT IS ORDERED THAT:**

1. Shurwest shall file its motions to dismiss under Rules 12(b)(2) and 12(b)(6) within thirty (30) days of the date of this Order. Unless otherwise ordered by the Court, the briefing schedule will comply with Local Rule 7.1. Counsel shall call Cathy Cusack, Judge Ericksen's Courtroom Deputy, at 612-664-5890 to schedule the hearing for the motions.
2. All remaining deadlines in the Pretrial Scheduling Order (Dkt. 72) are **SUSPENDED**.
3. Within ten (10) days following the Court's ruling on Shurwest's motions to dismiss, the parties shall meet and confer regarding the schedule in this action, including the schedule for refiling of Plaintiffs' class certification motion, and shall file a proposed amended scheduling order. To the extent the parties disagree with respect to the proposed amended scheduling order, they will set forth their positions as to any disagreements in letters filed on CM/ECF contemporaneously with the proposed amended scheduling order.

Dated: February 26, 2020

*s/Elizabeth Cowan Wright*  
 ELIZABETH COWAN WRIGHT  
 United States Magistrate Judge

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<sup>1</sup> The parties also sought suspension of the deadlines for remaining briefing on Plaintiffs' class certification motion. (Dkt. 127 at 3.) On February 25, 2020, U.S. District Judge Joan N. Ericksen denied the class certification motion without prejudice to its refiling at an appropriate time. (Dkt. 128.) The Court therefore views this request as moot.